

DONALD G. MORASH, JR.
CHAIRMAN



SCOTT AVEDISIAN
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 738-2000

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE OCTOBER 18, 2016 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, October 18, 2016 at 6:00 P.M. in the Warwick City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash.

The Secretary called the roll and noted the following members present:

Donald Morash, Chairman
Richard Corley, Vice Chairman
Julie Finn
Paul Wyrostek
Everett O'Donnell
Beverly Sturdahl
Mark McKenney - Absent

Also present: Diana Pearson, Asst. City Solicitor
Richard Crenca, Warwick Planning Department
Amy Cota, Secretary
Mary Ellen Hall, Stenographer

The Chairman declared a quorum.

The Chairman asked for a motion to approve the minutes from the September 13, 2016 hearing. A motion was made by Everett O'Donnell, seconded by Paul Wyrostek and passed unanimously by the Board that the minutes be accepted.

The Chairman asked if there were any petitions to be withdrawn or continued. The Chairman called the first petition.

Petition #10407

Ward 7

10 Nichol Ave.

The petition of Bruce Taylor & Cheryl Taylor, 10 Nichol Ave., Warwick, RI, request for a dimensional variance to construct an addition to the existing deck by 50 sq. ft. and construct new stairs to the deck. Proposed deck expansion and stairs having less than required rear street (Tree Point Dr.) setback and less than required setback to the Coastal feature. Assessor's Plat 367, Lot 183, zoned Residential A-7.

Steve Medeiros, Architect, 78 Page St., Pawtucket, RI, was present and representing the petitioner, and sworn in by the Chairman.

Bruce Taylor, petitioner, was present and sworn in by the board.

Steve Medeiros stated the petitioners have owned the property for a couple of years. They are constructing an addition, and need to extend the deck by 50 sq. ft. The proposed deck and stairs do not meet the front yard (paper street) setback, and also the setback to the Coastal feature.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Rick Corley moved to grant the petition, seconded by Everett O'Donnell and approved unanimously by the Board that the petition be GRANTED.

Petition # 10417

Ward 8

650 Bald Hill Rd.

The petition of Seritage SRC Finance, LLC, Seritage KMT Finance, LLC, 489 Fifth Ave., 18th fl., New York, NY 10017 & AMCB Rhode Island Mall Owner, LLC, 411 Theodore Fremd Ave., #300, Rye, NY 10580, request a special use permit to convert existing commercial building to mixed use retail including a 7,465 sq. ft. restaurant, and the remaining space to be used as two (2) retail commercial spaces. Also seeking a dimensional variance, for having less than required parking. Assessor's Plat 264, Lot 1, zoned General Business (GB).

K. Joseph Shekarchi, Esq. was present and representing the petitioner, and sworn in by the Chairman.

Mr. Shekarchi stated the petitioners are requesting a special use permit to convert the existing commercial building into a mixed use. There would be two restaurants, and one retail unit for a total of three units.

The petitioners are also requesting a dimensional variance for less than required parking. Mr. Shekarchi stated there is plenty of shared parking within the existing mall parking lot.

Mr. Shekarchi presented a Conceptual Design plan to the Board. The plan was marked Petitioner's exhibit #1.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Richard Corley made a motion to grant the petition, seconded by Julie Finn, and passed unanimously by the Board that the petition be GRANTED.

Petition # 10412

Ward 8

945 Bald Hill Rd.

The petition of JHW Construction Corp., 820 Morris Turnpike, Suite 301, Short Hills, NJ, and Price-Rite, 945 Bald Hill Rd., Warwick, RI, request a use variance to remove three sign panels (total 96 sq. ft.) and replace with one 40 sq. ft. panel LED message unit sign, also seeking a dimensional variance for one 90 sq. ft. stationary sign for maximum permitted signage, proposed sign being larger than allowed. Assessor's Plat 260, Lot 17, zoned General Business (GB).

Richard Crenca, Warwick Planning Department, read his recommendations into the record.

Daniel Flaherty, Esq., was present and representing the petitioner, and sworn in by the Chairman.

Christine Moreau, Agnoli Sign Company, was present and sworn in by the Chairman.

The petitioner stated Price Rite is requesting to remove three (3) sign panels from the existing pole sign and replace them with one (1) 40 sq. ft. LED message unit sign, and one (1) 90 sq. ft. stationary sign.

After much discussion of the stipulations, the petitioners agreed to the following stipulations:

1. Both signs shall not scroll, animate, flash, blink or move in any way except during the changing of the copy.
2. Both signs shall not provide audio in any way at any time.
3. The message board is allowed to change one time per hour to display sale items.
4. The LED message board shall ONLY be used for Price Rite advertising, with the exception of Amber Alerts.
5. Both signs shall be of the highest resolution and highest density available.
6. Strict compliance with the plans and testimony as presented to the Board. The Building Official shall be the party responsible for determining strict compliance.
7. No expansion of this petition without prior approval of the Zoning Board.

The Chairman asked if there was anyone there in opposition or in favor of the petition.

There being none, Richard Corley made a motion to grant the petition, seconded by Everett O'Donnell, and approved unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10413

Ward 4

31 Damon Ave.

The petition of Brian Vanner, 31 Damon Ave., Warwick, RI, request a dimensional variance to store an oversized commercial vehicle on subject property. Proposed vehicle having a gross vehicle weight of more than 9,900 lbs. Assessor's Plat 332, Lot 773, zoned Residential A-7.

Brian Vanner, petitioner, was present and sworn in by the Chairman.

The petitioner stated he would like to park his oversized work vehicle (Snap-On Truck) in his driveway when he is not working at night and on the weekends. The registration states the vehicle's weight is 22,000 pounds.

Richard Corley read the Zoning Ordinance regarding oversized vehicles in residential zones, and stated the intent of the code is to store the vehicle out of residential areas.

The petitioner stated he can't find a storage facility that will insure his truck with the tools and states they are worth \$1,200,000 in total. The petitioner stated Snap-On does not have a local facility where he can store the vehicle.

The Chairman asked the petitioner if he has spoken to his neighbors. The petitioner stated all of his neighbors are fine with it, except the neighbor closest to the driveway.

Richard Corley asked the petitioner if he has invested in finding parking that wasn't unreasonable to rent. The petitioner stated he can store the vehicle at the Pawtucket U-Haul, but traveling back and forth will only make his day longer.

Richard Corley asked if the neighbors have complained. The petitioner stated they have had words.

The petitioner stated his previous Snap-On truck was a diesel and this new truck is gas.

Everett O'Donnell stated to the petitioner they could put a clause on the approval to keep the vehicle there for one year. The petitioner stated he would rather keep it there permanently.

The Chairman asked if there was anyone there in opposition or in favor of the petition.

Cheryl Bautista, 39 Damon Ave., Warwick, RI, objector, was sworn in by the Chairman. The Chairman asked Ms. Bautista if she lived next door. She stated her bedroom is fifteen feet away from his driveway.

Ms. Bautista stated it is not just the truck, there is also daily deliveries being made to the petitioner's house by UPS and Penn. She states the petitioner is out in the truck all night going through the packages delivered that day.

The Chairman asked if there was anyone else there to speak in opposition or in favor. There being none, Richard Corley made a motion to vote, seconded by Everett O'Donnell. Richard Corley voted No, Everett O'Donnell voted Yes, Beverly Sturdahl voted No, Julie Finn voted No, and Donald Morash voted No. No in favor (4 to 1 vote). Petition was DENIED.

Mr. Corley left the meeting, and Mr. Wyrostek became the voting member for the remainder of the hearing.

Petition # 10414

Ward 9

70 Hallmark Dr.

The petition of Brad & Bethanie French, 70 Hallmark Dr., Warwick, RI, request a dimensional variance to construct a second story addition for an In-Law unit (accessory dwelling unit) over the existing garage. Proposed in-law having less than required side yard setback, having more than allowed square footage, and having a separate entrance. Assessor's Plat 232, Lot 36, zoned Residential A-40 SFC.

Brad French, owner & petitioner, was present and sworn in by the Chairman.

Judith Soscia, petitioner, 8 Carson Ave., Warwick, RI, was present and sworn in by the Chairman.

Richard Crenca, Warwick Planning Department, read his recommendations into the record.

Brad French, petitioner, stated he purchased the property in November 2015. They were looking for a house with an in-law for his wife's parents. The petitioner stated they purchased this house with the intention of constructing an in-law addition over the existing garage.

Richard Crenca stated the petitioners must get septic approval.

The Chairman stated he received comments from a neighbor about the septic issues.

The petitioner stated they are upgrading the septic system and is in the process of working with someone to have the plans done.

Everett O'Donnell asked the petitioner if he was agreeable to the stipulations. Brad French stated he was agreeable with them.

The Chairman told the petitioner if he sells the property, they will have to disclose the approval for the in-law. The petitioner agreed.

The Chairman stated if they sold the property, the new owners would have to come back to the Board to continue the use of the accessory dwelling unit.

The Chairman asked if there was anyone there in opposition or in favor of the petition.

Jean Babb, 66 Hallmark Dr., Warwick, RI, was present and sworn in by the Chairman.

Ms. Babb stated it was brought to her attention the addition would be just a room above the garage, not an in-law. She is concerned with the water run-off.

Richard Crenca stated if they were adding a first floor addition, they would need to control drainage, but this is a second floor addition.

Patricia Thompson, 80 Hallmark Dr., Warwick, RI, was present and sworn in by the Chairman.

The Chairman let Ms. Thompson know he received her letter.

The neighbors are concerned about the septic system and also about parking cars on the street.

The Chairman stated the septic systems are addressed by DEM.

The Chairman asked if there was anyone else there in opposition or favor. There being none, Everett O'Donnell made a motion to approve the petition, stated the in-law units are the newest thing, and the petitioner is not asking for much relief and he agrees with the stipulations, seconded by Julie Finn and approved unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition # 10415

Ward 6

254 Trent Ave.

The petition of Jeffrey Fagundes, d/b/a Fagundes Lakewood Builders, 96 Pinegrove Ave., Warwick, RI, & Seth Sobral, 254 Trent Ave., Warwick, RI, request a dimensional variance to construct a covered front porch. Proposed porch having less than required corner/side street setback. Assessor's Plat 349, Lot 675, zoned Residential A-7.

Jeff Fagundes, contractor & petitioner, was present and sworn in by the Chairman.

The petitioner stated he would like to construct an 8' x 14' covered front porch. The proposed porch does not meet the front yard setback.

The Chairman asked the petitioner if they have spoken to the neighbors. The petitioner stated no they have not.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to grant the petition, seconded by Julie Finn and approved unanimously by the Board, that the petition be GRANTED.

Petition # 10416

Ward 6/7

514 Long St.

The petition of Matthew McGeorge, R.A., 333 Main St., Ste 6, E. Greenwich, RI, & Thomas & Lennie Lydon, 514 Long St., Warwick, RI, request a dimensional variance to construct 21.25' x 25.25' carport. Proposed carport having less than required corner/side street setback. Assessor's Plat 365, Lot 274, zoned Residential A-10.

Matthew McGeorge, Registered Architect, was present and sworn in by the Chairman.

Mr. McGeorge stated he was approached by the owners of the property to design a carport for protection of their vehicles.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Everett O'Donnell moved to grant the petition, seconded by Julie Finn and approved unanimously by the Board, that the petition be GRANTED.

A motion was made by Everett O'Donnell, seconded by Julie Finn and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 7:55 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman